

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN WAYNE BENDER,
Petitioner,

Civil Action No. 05-998

v.

Chief Judge Donetta W Ambrose
Magistrate Judge Lisa Pupo Lenihan

JAMES WYNDER, *et al.*,
Respondents.

MEMORANDUM ORDER

The above-captioned Petition was received by the Clerk of Court on July 22, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 58), filed on June 5, 2006, recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. Service was made on the Petitioner at SCI Dallas, 1000 Follias Road, Dallas, Pennsylvania, 18612, and on counsel of record for the Respondents. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, they had until June 22, 2006, to file any objections. On June

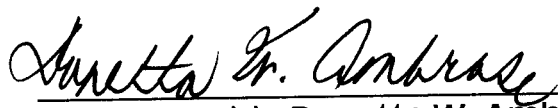
20, 2006, Petitioner filed Objections to the magistrate judge's Report and Recommendation. (Doc. No. 61). These objections have been found to be without merit. After review of the pleadings and the documents in the case, together with the Report and Recommendation and Petitioner's Objections, the following order is entered:

AND NOW, this 26th day of June, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 58) of Magistrate Judge Lenihan, dated June 5, 2006, is adopted as the opinion of the court.


The Honorable Donetta W. Ambrose
Chief United States District Court Judge

cc: Lisa Pupo Lenihan
UNITED STATES MAGISTRATE JUDGE

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